



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,039	08/21/2003	James Michael McArdle	AUS920030607US1	7333
35525	7590	04/21/2008		
IBM CORP (YA) C/O YEE & ASSOCIATES PC P.O. BOX 802333 DALLAS, TX 75380			EXAMINER SYED, FARHAN M	
			ART UNIT 2165	PAPER NUMBER
			NOTIFICATION DATE 04/21/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ptonotifs@yeeiplaw.com

Office Action Summary	Application No. 10/645,039	Applicant(s) MCARDLE, JAMES MICHAEL	
	Examiner FARHAN M. SYED	Art Unit 2165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-12,14-16 and 18-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-12,14-16 and 18-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/20/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1, 2, 5-12, 14-16, and 18-22 are pending.
2. In the Applicant's remarks filed 15 March 2007, the Examiner acknowledges the cancellation of claims 3, 4, 13, and 17.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 16 and 18 are rejected under 35 U.S.C. 101 because the claimed is directed to non-statutory subject matter.

Claims 16 and 18 clearly recite a "computer readable medium", which may "take the form of a signal bearing media using communication links such as a radio frequency and **light wave** transmissions" (Applicant's specification, page 25). The use of radio frequency and light wave transmissions are illustrations of using the form of energy (i.e. electromagnetic carrier signal) and are not tangible, and cannot tangibly embody a computer program or process since a computer cannot understand/realize (i.e. execute) the computer program or process when embodied on a data carrier signal. Computer program or processes are only realized within the computer when stored in a memory or storage element (such as RAM or ROM). When **nonfunctional descriptive material is recorded on some computer-readable medium, in a computer or on an electromagnetic carrier signal, it is not statutory** since no requisite functionality is

Art Unit: 2169

present to satisfy the practical application requirement. Merely claiming nonfunctional descriptive material, i.e., abstract ideas, stored in a computer-readable medium, in a computer, on an electromagnetic carrier signal does not make it statutory. See *Diehr*, 450 U.S. at 185-86, 209 USPQ at 8. Therefore, a signal bearing media does not meet the “useful, concrete, and tangible” requirement as set forth in *State Street*, 149 F.3d at 1373, 47 USPQ2d at 1601-02, and hence claims 16 and 18 are non statutory under 35 U.S.C. 101. For a further explanation of the use of signals and carrier waves, the Examiner refers to the Interim Guidelines accessible online at [http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/guidelines101_20051026.p](http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/guidelines101_20051026.pdf)df. Correction is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1,2,5-12,14-16, and 18-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Google Language Tool in view of Roccaforte (U.S. Patent No. 6,484,179).

As per claims 1, 9, 11, 14, 16, 18, 19, and 20, Google teaches a method in a data processing system for accessing a database containing text message for a plurality of cultural contexts, the method comprising (i.e. The Google language tool is a an on-line search engine that encompasses the data processing system for accessing a database.)(Page 1): receiving a request from a client to set a cultural context from the plurality of cultural contexts for the database (i.e. On page 1, the search page written in: <any language> clearly illustrates that a client requests a cultural context, which is selecting a language from a plurality of cultural contexts, which are many languages contained in the drop-down field. Furthermore, because the Google site is a search engine, an ordinary person skilled in the art understands that a database resides on the back-end that services the Google language tools site.)(Page 1) wherein the database includes a plurality of message tables, wherein messages in the message tables are provided in the plurality of cultural contexts (i.e. Page 1 and 2 clearly teach that the Google Language site is a search engine that contains a database that contains a plurality of message tables, which are the plurality of languages listed on pages 1 and 2. Furthermore, an ordinary person skilled in the art understands that messages are contained in the plurality of message tables and are provided in the plurality of cultural context.)(Pages 1 and 2), and wherein multi-cultural text is stored in separate rows with

a message ID and cultural context ID; and responsive to receiving queries from the client (Page 1 indicates that a text field contained in Search for: clearly indicates that this page is responsive to receiving queries from the client)(Page 1), processing the queries using the locale to select a text message in an appropriate cultural context (Page 1 clearly indicates that the locale is the result of the client selecting pages located in <any country>, contained in the search for text field would be the targeted text message, and the query is processed when a client selects the Google Search button.)(Page 1) without requiring the queries from the client to include the cultural context (i.e. "Tip: If you typically search only pages in a specific language or languages, you can save this as your default search behavior on the Preference page." The preceding text clearly indicates that a client has an ability to pre-select the cultural context and perform queries.)(Page 1).

Google does not explicitly teach the method wherein multi-cultural text is stored in separate rows with a message ID and cultural context ID.

Roccaforte teaches the method wherein multi-cultural text (i.e. data stored) is stored in separate rows (i.e. *"Each row in store table 102 contains a unique store-id and information about the particular store that corresponds to the store-id."*) The preceding text clearly indicates that separate rows are each row) with a message ID (i.e. values) and cultural context ID (i.e. values) (see Figure 1, column 1, lines 62-67; column 2, lines 1-15).

It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Google with the teachings of Roccaforte

to a include a method wherein multi-cultural text is stored in separate rows with a message ID and a cultural context ID with the motivation to find efficient techniques in storing data in a relational database. (Roccaforte, Abstract).

As per claims 2 and 12, Google teaches a method wherein the cultural context includes at least one of a language, a country, and a time zone (i.e. *"Search pages written in: <any language>"* *"Search pages located in <any country>"* The preceding text clearly indicates that at least one language and one country is selected as a cultural context)(Page 1).

As per claim 5, Google teaches a method wherein the cultural context ID is fixed based on the request (i.e. *"Search pages written in: <any language>"* The preceding text clearly indicates that the cultural ID, which is the value of the user selecting a language option is fixed based on the request, where once the user selects the language option, the computer system is reconfigured based on the corresponding locale.)(Page 1).

As per claim 6, Google teaches a method wherein the cultural context ID is a language ID (i.e. *"Search pages written in: <any language>"*) The preceding text clearly indicates that the cultural ID, which is the value of the user selecting a language option is also the language ID.)(Page 1).

As per claim 7, Google teaches a method wherein the receiving step is located in one of a database engine and a command line parser (Page 1 clearly teaches that the Google Language Tool is a database engine that also contains a command line parser, which is the text field contained in the “Search for” field.)(Page 1).

As per claim 8, 10, and 15, Google teaches a method wherein the cultural context is selected from one of a language, geographic location, age, year, or month (i.e. “*Search pages written in: <any language>*” “*Search pages written in: <any language>*” The preceding text clearly indicates that the cultural context can be a language or geographic location.)(Page 1).

Response to Remark/Argument

7. Applicant’s arguments, see pages 6-11, filed 15 March 2007, with respect to the 35 U.S.C. 101 rejection of claims 16 and 18, the Applicant argues claims 16 and 18 are statutory under 35 U.S.C. 101.

The Examiner disagrees. Claims 16 and 18 recite “a computer program product in a computer readable medium.” The Guidelines provides “a computer readable medium with a data structure defines structural and functional interrelationship between the data structure and the **computer software and hardware components** which permit the data structure’s functionality to be realized.” Nowhere in the Applicant’s

specification does the Applicant provide such consistent definition of a computer readable medium as provided in the Guidelines. The Examiner emphasizes that a computer readable media must include a computer software and hardware components. Instead the Applicant states (Specification, page 25):

“Examples of computer readable media include recordable-type media, such as a floppy disk, a hard disk drive, a RAM, CD-ROMs, DVD-ROMs, and transmission-type media, such as digital and analog communication links, wired or wireless communication links **using transmission forms, such as for example radio frequency and light wave transmissions.**”

Thus, in light of the Applicant's specification, the Examiner infers that a computer readable media *may* only include transmission-type media such as light wave transmission. The Interim Guidelines states “When **nonfunctional descriptive material is recorded on some computer-readable medium, in a computer or on an electromagnetic carrier signal, it is not statutory** since no requisite functionality is present to satisfy the practical application requirement. Merely claiming nonfunctional descriptive material, i.e., abstract ideas, stored in a computer-readable medium, in a computer, on an electromagnetic carrier signal does not make it statutory. See Diehr, 450 U.S. at 185-86, 209 USPQ at 8.” The Examiner notes that the electromagnetic carrier signal includes light wave transmissions. Therefore, claims 16 and 18 are directed to a non-statutory subject matter and correction IS required.

8. Applicant's arguments with respect to claims 1,2,5-12,14-16, and 18-22 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farhan M. Syed whose telephone number is 571-272-7191. The examiner can normally be reached on 8:30AM-5:00 PM.

Art Unit: 2169

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christian Chace can be reached on 571-272-4190. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/FMS

/Christian P. Chace/

Supervisory Patent Examiner, Art Unit 2169